

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**AMERICAN HOSPITAL ASSOCIATION, ET  
AL.,**

Plaintiffs,

v.

**DEPARTMENT OF HEALTH & HUMAN  
SERVICES, ET AL.,**

Defendants.

Case No. 4:20-cv-08806-YGR

**ORDER VACATING ORAL ARGUMENT ON  
MOTIONS TO INTERVENE AND MOTION FOR  
PRELIMINARY INJUNCTION**

Re: Dkt. No. 7, 28, 35, 38, 62

The parties have filed several pending motions before the Court: a motion for preliminary injunction (Dkt. No. 7); several motions to intervene, requesting to intervene and thereafter file motions to dismiss (Dkt. No. 28, 35, 38, 62); and a motion to dismiss based on the lack of subject matter jurisdiction. (Dkt. No. 64.) After a preliminary review of the record and the briefing, the Court issued an Order to Show Cause as to why this case should not be dismissed for lack of subject matter jurisdiction, which is set to be heard alongside the motion to dismiss on February 9, 2021. (*See* Dkt. No. 70.) The parties noticed and re-noticed the motions to intervene for February 2, 2021, and the motion for preliminary injunction is set by party stipulation for February 23, 2021. Given that, at this point, subject matter jurisdiction remains a question in doubt in this matter, the Court **VACATES** the oral argument dates for the motions to intervene and the motion for preliminary injunction. To the extent any case moves forward beyond the February 9, 2021 date, the Court will rule on the merits of the pending motions to intervene on the papers, and thereafter reset any schedule on any forthcoming motions to dismiss from the intervenors and the pending motion for preliminary injunction.

All other briefing schedules and dates remain in place.

**IT IS SO ORDERED.**

Dated: January 20, 2021

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT JUDGE